

Appl. No. 10/731,108  
Amdt. dated October 14, 2005  
Reply to Office action of June 15, 2005

## **REMARKS/ARGUMENTS**

### **Summary of Office Action**

In the Office Action, claims 1-3, 7 and 8 were rejected by the Examiner under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,188,338 (Itoi).

Claims 4-6 were objected to as being dependent on a rejected base claim, but allowable if rewritten in independent form. Applicant thanks the Examiner for reporting that this subject-matter is allowable.

### **Remarks Regarding Amendments**

#### **In the Claims:**

Claims 1-3 have been cancelled. The subject matter of these claims now appears in amended claim 6, which has been re-written in independent form to be placed in condition for allowability in accordance with the Office Action.

Claims 4 and 5 have been amended to depend from amended claim 6, as have claims 7 and 8.

Claims 9-13 which had previously been withdrawn are now cancelled.

Claims 14-26 are newly submitted herewith. Applicant respectfully submits that new independent claim 14 is generic and reads on Species I and II. Applicant submits that claims 15-26 depend either directly or indirectly from claim 14. Of these dependent claims, Applicant submits that claims 15-19 are generic, claims 20 and 21 read on elected Species I, and claims 22-26 read on non-elected

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Species II. Applicant submits that claims 22-26 generally correspond to former withdrawn claims 9-13, and that these claims are properly re-introduced in that they depend from an allowable generic claim, as argued in further detail hereinafter. Should the Examiner disagree, Applicant respectfully requests that claims 22-26 be entered and designated as "withdrawn".

Applicant submits that this amendment adds no new matter to the application.

Terms introduced in the new claims are supported in the description. For example, reference to the "diaphragm" has been introduced in claim 14 for clarity, and is described in the description as "resilient diaphragm 18" (see, for example, paragraph 28 and Figure 1). The handle being releasably securable to the stem in any one of a first and at least second attachment position is described, for example, in paragraph 32 and with reference to Figure 4 (second attachment position) and Figure 5 (first attachment position).

Support for a "third attachment position" as claimed in claim 17 can be seen, for example, in Figure 6.

#### **Remarks Regarding Allowable Subject Matter**

Former claims 4-6 were deemed allowable if re-written in independent form. Applicant submits that claim 6, as amended, presents the subject-matter of former claim 6 and its base claim (claim 1) and intervening claims (claims 2-3) in independent form. Applicant submits that amended claim 6 is allowable.

Former claims 4 and 5 also had claim 1 as a base claim, and claims 2 and 3 as intervening claims. Claims 4 and 5 have been amended to depend from

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amended claim 6. Applicant submits that claims 4 and 5 are allowable in that they depend from an allowable base claim.

#### **Remarks Regarding Claim Rejections**

The Examiner rejected claims 1-3 and 7-8 as being anticipated by U.S. Pat. No. 5,188,338 (Itoi).

Regarding claims 1-3, Applicant submits that claims 1-3 have been cancelled so that this rejection is now moot.

Regarding claims 7 and 8, Applicant submits that these claims now depend from amended claim 6. Applicant submits that claims 7 and 8 are therefore allowable in that they depend from an allowable base claim.

#### **Remarks Regarding Allowability of New Claims**

Claim 14 is an independent claim newly submitted herewith. Applicant submits that claim 14 is novel and non-obvious over the prior art.

To the extent that the Examiner's comments of the Itoi reference made in relation to former claims 1-3 and 7-8 are considered applicable to claim 14, Applicant provides the following comments.

Claim 14 includes a handle having a stop surface for engaging the abutment surface of a bonnet, and further recites the handle being releasably secured to the stem in any one of a first and at least a second attachment position, at least one of the first and at least second attachment positions being positioned to

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block movement of the stem by engagement of the stop surface with the abutment surface when the diaphragm is in a desired position.

With reference to a marked-up copy of Fig. 1 of the Itoi reference appended hereto, on page 11, the Examiner has (apparently) characterized Itoi as disclosing a stop surface at "A" and an abutment surface at "B". However, it is clear that these surfaces do not engage each other at either the fully open, fully closed, or any intermediate position of the valve of Itoi. The fully open position corresponds to the right half of the valve in Figure 1 (see Itoi, col. 2, lines 60-63). In the fully open state, the surfaces A and B are spaced by a gap  $G_1$ . In the fully closed state (left half of Figure 1), the surfaces A and B are spaced by a gap  $G_2$ .

Gap  $G_1$  is significantly larger than gap  $G_2$ , but even gap  $G_2$  provides a significant amount of clearance between the stop surface "A" and the abutment surface "B". Thus Itoi fails to disclose a stop surface and abutment surface that engage to block movement of the stem when the diaphragm is in a desired position, as claimed in claim 14.

Regarding the attachment of the handle to the stem, Itoi shows a handle 17 attached to a stem member 15B by a handle fixing screw 20. The Examiner identified an aperture/slot in the stem of Itoi, presumably at feature "C" in Figure 1.

Applicant was unable to locate in the description any details regarding feature "C". At col. 4, lines 38-40, Itoi teaches that the handle 17 is mounted on and fixed to the second member 15B by the fixing screw 20. There is no explanation of the purpose or physical characteristics of feature "C", and no suggestion that feature "C" is in any way related to limiting travel of the stem. More particularly, Itoi fails to disclose that the handle be releasably securable to the stem in any

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one of a first and at least a second attachment position, nor that at least one of the attachment positions be positioned to block movement of the stem, as claimed in claim 14.

Since Itoi fails to disclose, teach, or suggest all of the limitations of claim 14, Applicant submits that claim 14 is allowable over the Itoi reference.

Applicant submits that claims 15-26 depend directly or indirectly from claim 14, and are therefore allowable for at least the reason that they depend from an allowable base claim.

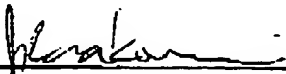
In view of all the above, Applicant respectfully submits that the claims presently on file are now in condition for allowance. Early notice to that effect is respectfully requested.

Should the Examiner have any questions or comments related to this case and for which the Examiner deems a telephone call my expedite prosecution, the Examiner is invited to contact the undersigned at 416-957-1654.

If additional fees are required, please charge the fees to our Deposit Account No. 02-2095.

Respectfully submitted,

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